



**CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

**LONDON N. BREED
MAYOR**

Sent via Electronic Mail

October 5, 2023

NOTICE OF CIVIL SERVICE COMMISSION MEETING

**SUBJECT: PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION
RULES: 413 CERTIFICATION OF ELIGIBLES TO MODERNIZE AND
EXPEDITE HIRING**

The above matter will be considered by the Civil Service Commission at a hybrid meeting (in-person and virtual) in Room 400, City Hall, 1 Dr. Goodlett Place, San Francisco, California 94102 and through Cisco WebEx to be held on **October 16, 2023, at 2:00 p.m.**

This item will appear on the Regular Agenda. Please refer to the attached Notice for procedural and other information about Commission hearings.

Attendance by you or an authorized representative is welcome. Should you or your representative not attend, the Commission will rule on the information previously submitted and testimony provided at its meeting. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance.

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Attachment

Cc: All Unions
All Departmental Personnel Officers
Commission File
Commissioners' Binder
Chron

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

A. Commission Office

The Civil Service Commission office is located at, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. The telephone number is (628) 652-1100. The fax number is (628) 652-1109. The email address is civilservice@sfgov.org and the web address is www.sfgov.org/civilservice/. Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

B. Policy Requiring Written Reports

It is the policy of the Civil Service Commission that except for appeals filed under Civil Service Commission Rule 111A Position-Based Testing, all items appearing on its agenda be supported by a written report prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Civil Service Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Officer. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

C. Policy on Written Submissions by Appellants

All written material submitted by appellants to be considered by the Commission in support of an agenda item shall be submitted to the Commission office, no later than 5:00 p.m. on the fourth (4th) business day preceding the Commission meeting for which the item is calendared (ordinarily, on Tuesday). An original copy on 8 1/2-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

D. Policy on Materials being Considered by the Commission

Copies of all staff reports and materials being considered by the Civil Service Commission are available for public view 72 hours prior to the Civil Service Commission meeting on the Civil Service Commission's website at <https://sf.gov/civilservice> and in its office located at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. If any materials related to an item on this agenda have been distributed to the Civil Service Commission after distribution of the agenda packet, those materials will be available for public inspection at the Civil Service Commission's during normal office hours (8:00 a.m. to 5:00 p.m. Monday through Friday).

E. Policy and Procedure for Hearings to be Scheduled after 5:00 p.m. and Requests for Postponement

A request to hear an item after 5:00 p.m. should be directed to the Executive Officer as soon as possible following the receipt of notification of an upcoming hearing. Requests may be made by telephone at (628) 652-1100 and confirmed in writing or by fax at (628) 652-1109.

A request for a postponement (continuance) to delay an item to another meeting may be directed to the Commission Executive Officer by telephone or in writing. Before acting, the Executive Officer may refer certain requests to another City official for recommendation. Telephone requests must be confirmed in writing prior to the meeting. Immediately following the "Announcement of Changes" portion of the agenda at the beginning of the meeting, the Commission will consider a request for a postponement that has been previously denied. Appeals filed under Civil Service Commission Rule 111A Position-Based Testing shall be considered on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the Department of Human Resources.

F. Policy and Procedure on Hearing Items Out of Order

Requests to hear items out of order are to be directed to the Commission President at the beginning of the agenda. The President will rule on each request. Such requests may be granted with mutual agreement among the affected parties.

G. Procedure for Commission Hearings

All Commission hearings on disputed matters shall conform to the following procedures: The Commission reserves the right to question each party during its presentation and, in its discretion, to modify any time allocations and requirements.

If a matter is severed from the *Consent Agenda* or the *Ratification Agenda*, presentation by the opponent will be for a maximum time limit of five (5) minutes and response by the departmental representative for a maximum time limit of five (5) minutes. Requests by the public to sever items from the [*Consent Agenda* or] *Ratification Agenda* must be provided with justification for the record.

For items on the *Regular Agenda*, presentation by the departmental representative for a maximum time of five (5) minutes and response by the opponent for a maximum time limit of five (5) minutes.

For items on the *Separations Agenda*, presentation by the department followed by the employee or employee's representative shall be for a maximum time limit of ten (10) minutes for each party unless extended by the Commission.

Each presentation shall conform to the following:

1. Opening summary of case (brief overview);
2. Discussion of evidence;
3. Corroborating witnesses, if necessary; and
4. Closing remarks.

The Commission may allocate five (5) minutes for each side to rebut evidence presented by the other side.

H. Policy on Audio Recording of Commission Meetings

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are audio recorded in digital form. These audio recordings of open sessions are available starting on the day after the Commission meeting on the Civil Service Commission website at www.sfgov.org/civilservice/.

I. Speaking before the Civil Service Commission

Speaker cards are not required. The Commission will take public comment on all items appearing on the agenda at the time the item is heard. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the “Requests to Speak” portion of the regular meeting. Maximum time will be three (3) minutes. A subsequent comment after the three (3) minute period is limited to one (1) minute. The timer shall be in operation during public comment. Upon any specific request by a Commissioner, time may be extended.

J. Public Comment and Due Process

During general public comment, members of the public sometimes wish to address the Civil Service Commission regarding matters that may come before the Commission in its capacity as an adjudicative body. The Commission does not restrict this use of general public comment. To protect the due process rights of parties to its adjudicative proceedings, however, the Commission will not consider, in connection with any adjudicative proceeding, statements made during general public comment. If members of the public have information that they believe to be relevant to a matter that will come before the Commission in its adjudicative capacity, they may wish to address the Commission during the public comment portion of that adjudicative proceeding. The Commission will not consider public comment in connection with an adjudicative proceeding without providing the parties an opportunity to respond.

K. Policy on use of Cell Phones, Pagers and Similar Sound-Producing Electronic Devices at and During Public Meetings

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Information on Disability Access

The Civil Service Commission normally meets in Room 400 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. However, meetings not held in this room are conducted in the Civic Center area. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our ADA coordinator at (628) 652-1100 or email civilservice@sfgov.org to discuss meeting accessibility. In order to assist the City’s efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know your Rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government’s duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people’s business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people’s review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Victor Young, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102-4689 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: soff@sfgov.org, or on the City’s website at www.sfgov.org/bdsupvrs/sunshine.

San Francisco Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code Section 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Ave., Suite 220, San Francisco, CA 94102, telephone (415) 252-3100, fax (415) 252-3112 and web site <https://sfethics.org/>.



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22MTA) Applicable to Municipal Transportation Agency Service-Critical Classes

Refer to Civil Service Commission Procedure for Staff - Submission of Written Reports MTA for Instructions on completing and processing this Form

1. Civil Service Commission Register Number: _____ - _____ -
2. For Civil Service Commission Meeting of: October 16, 2023
3. Check One: Ratification Agenda
 Consent Agenda
 Regular Agenda X
4. Subject: Proposed Changes to Civil Service Commission Rule 413: Certification of Eligibles to Modernize and Expedite Hiring
5. Recommendation: SFMTA respectfully requests the Commission accept the report and post the proposed amended rules. SFMTA and DHR will then meet and confer with Labor on potential impacts of the proposed rule changes.
6. Report prepared by: William Miles II Telephone number: 415-646-2863
7. Notifications: **(Attach a list of the person(s) to be notified in the format described in IV. Commission Report Format -A**
8. Reviewed and approved for Civil Service Commission Agenda:

Municipal Transportation Agency Director: *Kimberly Ackerman*

Date: October 5, 2023
9. Submit the original time-stamped copy of this form and person(s) to be notified (see Item 7 above) along with the required copies of the report to:

**Executive Officer
Civil Service Commission
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102**

10. Receipt-stamp this form in the ACSC RECEIPT STAMP box to the right using the time-stamp in the CSC Office.

<u>CSC RECEIPT STAMP</u>

Attachment

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MEMORANDUM

DATE: October 5, 2023

TO: Honorable Civil Service Commission

THROUGH: Kimberly Ackerman *KA*
Chief People Officer, SFMTA Human Resources

FROM: William (Bill) Miles II *WEM*
Talent Acquisition Senior Manager, SFMTA Human Resources

SUBJECT: **Proposed Changes to Civil Service Commission Rule 413: Certification of Eligibles to Modernize and Expedite Hiring**

Executive Summary

At the Civil Service meeting of October 2, 2023, San Francisco's Department of Human Resources (DHR) recommended amendments to the Civil Service rules to modernize processes, create system efficiencies and reduce time-to-hire for classifications with high vacancy and turnover rates.

In particular, DHR has recommended amendments related to seeking a change from a minimum certification rule of Rule of Three Scores (RO3) to a default Rule of the List (ROL) for all continuous Class-Based Testing (CCT) examinations under Volumes I - III. The current Rule 413 Certification of Eligibles sets the certification rule to Rule of Three Scores exclusively for all examination types unless mutually agreed between the employee organization representing the class and the Director of Transportation/Designee to use a broader certification rule.

DHR has stated the following reasons for seeking this rule change:

- **Up-to-Date Eligible Lists.** The intent of CCTs is to continuously add eligibles to the list so departments have a fresh and broad list of eligibles who are actively seeking employment while still providing opportunity for consideration for applicants who are on a CCT list but have not yet secured employment.
- **Expanded Opportunities for Eligible Applicants.** Under a restrictive certification rule (e.g., Rule of Three Scores) hiring managers from multiple departments compete with one another for the same group of reachable eligibles rather than having access to the broad list. A limited certification rule can be especially problematic for subsequent

referrals of single positions, resulting in a hiring manager not being able to consider a candidate they previously interviewed due to the candidate no longer being reachable. Alternatively, hiring managers may also be limited to select from among candidates that they have already determined not to be a match through previous post-referral selection processes.

- **System Efficiencies.** DHR's systems currently calculate reachable ranks for every candidate on every referral. Use of Rule of the List for all CCTs would eliminate this step because all eligibles would be reachable. This change, coupled with tying the definition of seniority to appointment date (see September 21, 2023, report on proposed changes to CSC rules on seniority) instead of certification date, would allow DHR to fully automate the refreshing of CCT referrals with candidates getting added to lists after a referral has been issued.

Upon applying redlines to these rules, SFMTA is also recommending through this action to clean Rule 413 in association with this rule proposal, which currently has carve-outs for specific unions which either are no longer relevant or repeat the same information already provided in the general wording of the rule.

Benefits of the CCTs with ROL Approach

DHR recently implemented CCTs with ROL certification for classifications in the Administrative Analyst series (1820/22), Human Resources Analyst series (1241/44), Management Assistant series (1840/42/44) and Stationary Engineer (7334). This approach allowed DHR to leverage advancements in technology to convert the pre-employment exams to online, on-demand testing, enabling the City to refresh eligible lists and ultimately fill vacancies more rapidly, which has created the following benefits:

Continuous Recruitments and Lists:

- Departments have continuous access to current eligible lists for immediate hire.
- Departments may conduct real-time, continuous recruiting.
- The need for make-up exams is eliminated, as an applicant can take the exam at any time without creating delays in list adoption or hiring.
- Candidates apply immediately upon becoming eligible for the classification instead of waiting for a current list to expire and a new job posting.
- For classes that were previously PBT, candidates may now submit one application and be considered for all opportunities in the class rather than having to apply to multiple PBT recruitments.

Rule of the List:

- The City becomes a more attractive employer by enabling all eligibles on the list to be considered for jobs rather than never being contacted because they aren't reachable.

On-line Remote Testing:

- Candidates do not have to travel to a test site in San Francisco.
- Candidates do not have to take time off from work or school.

On-demand Testing:

- Candidates can be scheduled for the exam soon after they are qualified, so they don't lose interest while waiting for the exam.

Decrease in Time-To-Hire and Staff Processing Time for Recent CCTs with ROL

As stated above, ROL is crucial for supporting the implementation of CCTs. The City has proven in recent months that CCTs can subsequently bring reductions in the total hiring timeline. Moreover, City staff can realize notable workload reductions with processing one recruitment versus several individual recruitments that each require a unique hiring process. This reduction in workload can then be leveraged to support hiring for other classes within departments.

With the most recent launch of the 1820 Junior Administrative Analyst CCT process, the first offer of employment was extended within 99 days from publication of the CCT job ad. This is notably shorter than the median time-to-hire—210 days—for all 1820 PCS hires in FY22-23. It's important to note that this timeline encompasses many activities that will have less influence as each CCT matures. For example, DHR will not need to wait for sufficient volumes of candidates to test before establishing assessment pass points and determining how to proceed with a post-referral selection process. As a result, DHR anticipates that the CCT hiring timeline could further decrease by several weeks once the initial eligible list is established.

SFMTA Review of Proposal

Continuous recruitments are a benefit to efficient hiring of City positions, where feasible. Such recruitments are open all the time, meaning instead of directing a candidate to sign up for job alerts to be aware of the next opening (which could be more than a year or two away depending on length of a discrete eligible list) and hope they are still interested at that time, one can apply as soon as they are interested. This means that the City and County of San Francisco becomes more often an employer of choice for individuals who may be thinking about moving, who got laid off from a private employer, who feel that they want something more stable. In discrete recruitments, such a person can either get lucky with their interest being timed with when a job is actually open or can only put in a job alert request and wait. Any candidate, internal or external, can apply as soon as they qualify and are interested, instead of waiting for a current list to expire.

Such recruitments can also help to minimize the number of provisional recruitments and appointments within the City for hard-to-fill roles. Instead of certifying from a current active eligible list for a position with special conditions, such as languages or specific experience needed in a certain knowledge area, finding no candidates to fill the role and thus requesting a provisional recruitment to bridge the gap until the discrete list expires, a department can alternatively under a CCT exam simply do extra outreach for their specific position, get candidates to quickly take the exam, get on the list and move the position forward for a Permanent Civil Service (PCS) appointment. This helps the hiring division/unit, candidates and

HR teams who typically need to perform two recruitments (the provisional and the subsequent exam and post-referral process) to fill one vacancy long-term.

A perfect example of this on the City side is the 7334 Stationary Engineer. For over a decade, this classification has been hard-to-fill and has shown up on the provisional appointment report most of, if not all of, the time over the past decade. As soon as a list was adopted, departments competed for the candidates on the list, quickly hired everyone qualified and interested and then needed to request to make provisional appointments while waiting until there was time for a department to conduct a new recruitment, a new application review period, a new exam administration and all the list adoption and referral steps. Often such an exam would be open for an extended posting period to get more candidates to potentially apply, meaning that candidates who applied early were just waiting for the recruitment to close instead of moving forward and competing for open positions. Having moved this examination process to continuous should now remove the need for those ongoing continuous provisional appointments and provide a much faster hiring process overall for interested candidates.

However, continuous is not possible for all examinations and is best utilized for hard-to-fill classes, classes with high turnover and vacancy rates, and potentially classes that rely on one's completion of training criteria like apprenticeships. SFMTA alone has over 225 active classifications in use and as such the Agency needs to be very strategic on the use of limited HR personnel; personnel would not be able to work on continuous exams for all classifications simultaneously. Where classes are hard-to-fill or have a history of high turnover and vacancies, we are very much in support of continuous testing. However, a large part of why SFMTA has not headed towards CCT exams is due to limitations currently in place: some rules-based, some technology-based and some process-based. We have been and will continue to monitor and learn from DHR's experience with their own CCT exams to hopefully bring such processes to SFMTA classifications, where feasible. All of the current CCT exams rely on having Rule of the List as a certification rule.

In addition to DHR's reasoning above, the SFMTA finds Rule of the List to be important for CCT implementation due to the possibility for candidates to be reachable one day and not be reachable the next. Under a continuous process, the examination department must come up with pre-defined ranks for which candidates shall be placed based on their exam performance. This is so that candidates are not constantly re-ranked when new candidates take the examination and attain a score not yet achieved by any other active eligibles. The idea of re-ranking candidates based on this is not only complicated to perform, but very confusing to the candidate who would constantly see their rank being updated up or down based on the current state of the list.

Unlike a discrete eligible list where no new candidates or scores are able to be achieved after adoption, under continuous testing candidates are constantly taking the exam and getting added in various spots on the eligible list in relation to others who already took the exam. As the exam is given continuously, a candidate could be reachable for positions on one day and then a candidate comes the very next week, achieves a higher score and now that originally reachable candidate may be unreachable under a limited certification rule. The Civil Service Commission in prior meetings has asked for reasons as to why more examinations have not

turned continuous and the notion of a department considering a candidate for appointment and that person then turning from being “reachable” to “not reachable” during the selection process is one of the difficulties found in changing a discrete examination process to a continuous one. Having a Rule of the List default certification is very important to ensuring such an occurrence does not happen.

In light of the above-mentioned reasons, SFMTA supports the proposal put forward by the Department of Human Resources for a default Rule of the List certification for continuous lists. This will take away a significant hurdle we find in conducting such examination processes.

In addition to DHR’s proposal, at the October 2, 2023 meeting, the Commissioners recommended another rule amendment related to a default Rule of the List certification for entrance exams, unless otherwise directed by the Director of Human Resources or Director of Transportation/Designee. The SFMTA supports this additional proposal by the Commissioners.

Summary of Recommendations for Revisions to Civil Service Commission Rules

The proposed changes are made in Rule 413 Certification of Eligibles. These proposed changes match DHR’s recommendations from Volumes I – III for consistency.

SFMTA is also recommending through this action to clean Rule 413 in association with this rule proposal, which currently has carve-outs for specific unions which either are no longer relevant or repeat the same information already provided in the general wording of the rule. Some of these changes were already made in Volume I and never applied to Volume IV.

The difference between Volume I and Volume IV that is of relevance is Volume IV does have some carve-outs for TWU 200 and 250A. However, in this section the information is repetitive. The main difference in the language as exclusive Rule of Three language. With adding Rule of the List language for continuous, this language would need to be amended. Also, there has been cases where the Local 200 and SFMTA in the past have negotiated for a broader certification rule, which is in conflict with the language currently stated. SFMTA is well aware that Local 200 in general mostly only supports Rule of Three as the certification rule, but this change does not take away Local 200’s ability to keep that as their default. SFMTA did not find any other notable differences in the language proposed for removal.

Detailed revisions to the language of the rules are provided in Attachments A.

Authority

Pursuant to Charter Section 10.100, the CSC is specifically charged with “the duty of providing qualified persons for appointment to the service of the City and County.” Under Charter Section 10.101, the CSC is responsible for adopting rules, policies, and procedures to carry out the civil service merit system provisions of the Charter, including those governing seniority, leaves, and layoffs. It further states that changes to the rules may be proposed by members of the Commission, the Executive Assistant or the Human Resources Director and approved or rejected by the Commission.

Article VIII A of the City Charter established the department of the Municipal Transportation Agency, specifying that it shall also be governed by Civil Service rules. Per Charter Section 8A.104(c), "Effective July 1, 2000, except for the administration of health services, the Agency shall assume all powers and duties vested in the Department of Human Resources and the Director of Human Resources under Articles X and XI of this Charter in connection with job classifications within the Agency performing "service-critical" functions. Except for the matters set forth in subsection (f), the Department of Human Resources and the Director of Human Resources shall maintain all powers and duties under Articles X and XI as to all other Agency employees."

Conclusion

The rule changes proposed in this staff report focus on modernizing our testing processes, creating system efficiencies, and reducing time-to-hire for classifications with high vacancy and turnover rates.

Recommendation

SFMTA respectfully requests the Commission accept the report and post the proposed amended rules. SFMTA and DHR will then meet and confer with Labor on potential impacts of the proposed rule changes.

ATTACHMENT A

Deletions in ~~strikethrough~~ – Additions in underline

Rule 413 Certification of Eligibles

Article I: General Principles

Applicability: Unless otherwise noted, Article I, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Article II: Definitions

Applicability: Unless otherwise noted, Article II, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Article III: Application of Certification Rules

Applicability: Unless otherwise noted, Article III, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Article IV: Personnel Requisitions

Applicability: Unless otherwise noted, Article IV, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Article V: Administration of Certifications

Applicability: Unless otherwise noted, Article V, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Article VI: Selective Certification of Certified Temporary Employees

Applicability: Unless otherwise noted, Article VI, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Rule 413

Certification of Eligibles

Article I: General Principles

Applicability: Unless otherwise noted, Article I, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.1 **General Policy**

413.1.1 The Civil Service Commission endorses and supports the broadening of the Rules governing certification of eligibles from civil service eligible lists and considers this broadening as an increase in opportunities for appointing officers to select employees who are best suited to perform the duties of specific positions and to provide greater opportunities to maximize multicultural diversity of the work force in the City and County of San Francisco.

413.1.2 Selection of employees from eligible lists shall be based on merit and fitness without regard to relationship, race, religion, gender, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital status, color, medical condition or other non-merit factors or otherwise prohibited nepotism or favoritism. The MTA Director of Transportation/Designee shall be responsible for establishing non-discriminatory selection procedures which may include by way of example but not limitation, scheduling each interested eligible for interview, reviewing application materials, conducting interviews by a diverse panel, and asking job-related questions. The MTA Director of Transportation/Designee shall also be responsible for maintaining documentation of selection criteria. The MTA Director of Transportation/Designee shall make reports as requested by the Civil Service Commission on merit system issues such as recruitment, examination, and certification and selection procedures.

413.1.3 **Implementation of the Rule by the MTA Director of Transportation/Designee**

Implementing this Rule, the MTA Director of Transportation/Designee shall:

- 1) adhere to all rules, policies, procedures, and directives of the Civil Service Commission and all relevant Charter provisions of the City and County of San Francisco, and
- 2) take any action necessary to ensure compliance with federal, state and local anti-discrimination laws, ordinances or regulations.

Rule 413

Certification of Eligibles

Article II: Definitions

Applicability: Unless otherwise noted, Article II, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.2 Certification Rules

413.2.1 Rule of Three Scores

The MTA Director of Transportation/Designee shall certify to the appointing officer the names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.

413.2.2 Rule of Three or More Scores

The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with three (3) scores shall be certified to each available position.

413.2.3 Rule of the List

The names of all eligibles on the eligible list shall be certified to each available position.

Sec. 413.3 Notice of Certification

Eligibles on the eligible list shall be simultaneously notified each time that the MTA Director of Transportation/Designee certifies their names to an appointing officer for a position as provided under this Article II.

Sec. 413.4 Certification Date

The Certification Date is the date on which the MTA Director of Transportation/Designee issues the Notice of Certification to eligibles as provided under this Article II.

Sec. 413.5 Notice of Inquiry

Upon receipt of the certified list of names of eligibles available for appointment in accordance with the established certification rule, the appointing officer may issue a Notice of Inquiry to those eligibles for the purpose of:

Sec. 413.5 **Notice of Inquiry (cont.)**

- 1) Assessing the eligibles' interest in the specific position in the department; and/or
- 2) Requesting additional information or submissions from the eligibles as part of the selection process.

Sec. 413.6 **Exhaustion of the List****413.6.1** **Rule of Three Scores**

An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

413.6.2 **Rule of Three or More Scores**

An eligible list adopted under the Rule of Three or More Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

413.6.3 **Rule of the List**

An eligible list adopted under the Rule of the List shall be exhausted when there are fewer than one third of the number of eligibles on the original list still available; provided, however, if the original list had nine (9) or fewer eligibles, at least three (3) eligibles must be available; for original lists with forty five (45) or more names, at least fifteen (15) eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

Rule 413

Certification of Eligibles

Article III: Application of Certification Rules

Applicability: Unless otherwise noted, Article III, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.7 Certification Rules Applicable to Employees in all classes—~~except Unrepresented, Municipal Executives Association, San Francisco Association of Personnel Professionals (SFAPP) Local 21, Transport Workers Union—Locals 200 & 250A, and Service Employees International Union—Local 535~~

413.7.1 Rule of Three Scores

1) For Promotive Only (P) and Combined Promotive and Entry (CPE) eligible lists, ~~U~~unless mutually agreed between the employee organization representing the class and the MTA Director of Transportation/Designee to use a broader Certification Rule, the Rule of Three Scores shall be used exclusively except for Entry (E) only and continuous testing eligible lists.

2) The MTA Director of Transportation/Designee shall certify to the appointing officer the names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.

3) Except as otherwise provided, when there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus two (2) scores. An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when eligibles standing at fewer than three (3) scores are available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

4) If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s).

413.7.2 Expansion of Certification Rules

1) Unless otherwise directed by the Director of Transportation/Designee, the certification rule for Entry (E) only and continuous testing eligible lists shall be Rule of the List.

~~1)2)~~ Notwithstanding any other provisions of these Rules, the MTA Director of Transportation/Designee is authorized to meet and confer with representatives of employee organizations to reach mutual agreement over the Certification Rule applicable to each of the classes covered by this

Section except for, unless otherwise directed by the Director of Transportation/Designee, Entry (E) only and those eligible lists in classes designated continuous testing by Director of Transportation/Designee. If the parties fail to reach mutual agreement, the Rule of Three Scores shall be used.

Sec. 413.7 Certification Rules Applicable to Employees in all classes ~~except Unrepresented, Municipal Executives Association, San Francisco Association of Personnel Professionals (SFAPP) Local 21, Transport Workers Union Locals 200 & 250A, and Service Employees International Union Local 535 (cont.)~~

413.7.2 Expansion of Certification Rules (cont.)

~~2)3)~~ The agreed-upon Certification Rule shall be promulgated as a term of the examination announcement and the agreed-upon Certification Rule shall not be appealable to the Civil Service Commission.

Sec. 413.8 ~~Certification Rules Applicable to Service Employees International Union Local 535 and Transport Workers Union Locals 200 & 250A~~

~~413.8.1 Rule of Three Scores Exclusively~~

~~1) The Rule of Three Scores shall be used exclusively.~~

~~2) The MTA Director of Transportation/Designee shall certify to the appointing officer the names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.~~

~~3) Except as otherwise provided, when there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus two (2) scores. An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when eligibles standing at fewer than three (3) scores are available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.~~

~~If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s).~~

Sec. 413.9 Certification Rules Applicable to Employees in all classes Unrepresented classes and classes represented by Municipal Executives Association and San Francisco Association of Personnel Professionals (SFAPP) Local 21

413.9.1 Rule of Three or More Scores

1) For a Single (1) Position

The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with three (3) scores shall be certified to each available position.

Sec. 413.9 **Certification Rules Applicable to Employees in [all classes](#)**
~~Unrepresented classes and classes represented by Municipal Executives Association and San Francisco Association of Personnel Professionals (SFAPP) – Local 21~~ (cont.)

413.9.1 **Rule of Three or More Scores (cont.)**

2) When More Than One Position Available

Except as may otherwise be provided, when there are two or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the Certification Rule applicable to the eligible list being certified minus one.

3) When Eligible List Exhausted

An eligible list adopted under the Rule of Three or More Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

4) Supplementary Certification

If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s).

413.9.2 **Rule of the List**

1) The names of all eligibles on the eligible list shall be certified to each available position.

2) When Eligible List is Exhausted

An eligible list adopted under the Rule of the List shall be exhausted when there are fewer than one third of the number of eligibles on the original list still available provided, however, if the original list had nine (9) or fewer eligibles, at least three (3) eligibles must be available; for original lists with forty five (45) or more names, at least fifteen (15) eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

Sec. 413.9 **Certification Rules Applicable to Employees in [all classes](#)**
~~Unrepresented classes and classes represented by Municipal~~
~~Executives Association and San Francisco Association of Personnel~~
~~Professionals (SFAPP) – Local 21 (cont.)~~

413.9.3 **Establishment of Certification Rule**

- 1) The MTA Director of Transportation/Designee shall establish the Certification Rule for each class by specifying the Certification Rule to be used to administer the eligible list in the first examination announcement for the class after the adoption of this section.
- 2) Once established, the Certification Rule shall be used to administer all future eligible lists in the class unless otherwise ordered by the MTA Director of Transportation/Designee.
- 3) In establishing the Certification Rule, the MTA Director of Transportation/Designee may consult with City’s Human Resources Director, representatives of employee organizations and other pertinent parties.

Rule 413

Certification of Eligibles

Article IV: Personnel Requisitions

Applicability: Unless otherwise noted, Article IV, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.10 Personnel Requisitions

413.10.1 Requirement for Personnel Requisitions

Whenever a position is to be filled, the appointing officer shall issue a personnel requisition on the prescribed form. Fully approved personnel requisitions shall immediately be time stamped in the order of receipt in the Office of the MTA Director of Transportation/Designee.

413.10.2 Separate or Group Personnel Requisitions

A separate personnel requisition shall be made for each permanent position to be filled. Group personnel requisitions may only be made for temporary positions.

413.10.3 Cancellation of Personnel Requisitions

Upon written request by the appointing officer indicating good cause, cancellation of a personnel requisition may be allowed by the MTA Director of Transportation/Designee.

413.10.4 Priority of Personnel Requisitions

Except as otherwise provided in these Rules, certification shall be made in accordance with priority of approval of the personnel requisition in the Office of the MTA Director of Transportation/Designee or the date to report to duty, whichever is later.

413.10.5 Tenure of Temporary Appointments

- 1) Temporary employments may be requisitioned for a period not to exceed twelve (12) months.
- 2) Original personnel requisitions for fewer than twelve (12) months may be extended from the date of appointment but may not exceed the maximum allowable personnel requisition time. Upon completion of the allowable maximum time, the temporary appointment(s) may be extended when funds are available and when the employee continues to have standing on an eligible list for that class.

Sec. 413.10 Personnel Requisitions (cont.)

413.10.5 Tenure of Temporary Appointments (cont.)

3) Beginning on the effective date of this Rule, the MTA shall keep records of the number of temporary employments extended as provided in this Rule. On July 30, 1977, and each July 30 thereafter, a list of extended temporary employments for the past fiscal year shall be made available for public inspection.

413.10.6 Flexible Staffing Personnel Requisitions

A personnel requisition for a permanent vacancy filled by an appointee in accordance with the flexible staffing authority of the Salary Ordinance shall also be valid for subsequent certification for appointment of the same eligible, when qualified, to the class designated on the personnel requisition.

Rule 413

Certification of Eligibles

Article V: Administration of Certifications

Applicability: Unless otherwise noted, Article V, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.11 **Notice of Certification**

For each available position, the MTA Director of Transportation/Designee shall certify to the appointing officer the names of all eligibles who are available for appointment in accordance with the established certification rule as provided under Article II of this Rule. The MTA Director of Transportation/Designee shall simultaneously notify each eligible of such certification to the hiring department(s). This Notice of Certification shall be informational only and shall not require a response from the eligibles.

Sec. 413.12 **Notice of Inquiry**

413.12.1 As provided under Article II of this Rule, an appointing officer may issue a Notice of Inquiry to eligibles available for appointment in accordance with the established certification rule for the purpose of assessing interest in a specific position in the department, and/or to obtain additional information or submissions as part of the selection process.

413.12.2 Eligibles are required to respond to a Notice of Inquiry within five (5) business days, unless the response period time limit is extended by the MTA Director of Transportation/Designee.

413.12.3 If all eligibles at a score waive the opportunity or fail to respond to a Notice of Inquiry within the response period time limit, the hiring department may request supplementary certification from the next highest score(s) in accordance with Article III of this Rule.

Sec. 413.13 **Certification Results**

MTA departments are required to notify the MTA Director of Transportation/Designee of the results of a certification within sixty (60) calendar days after the date of the Notice of Certification. This deadline may be extended by the MTA Director of Transportation/Designee.

Sec. 413.14 Waivers**413.14.1 General Waivers**

An eligible may be placed on an inactive status under general waiver of certification on an eligible list as follows:

- 1) At the eligible's written request. Such waivers shall be effective on the next business day.
- 2) A person appointed to a permanent position shall be under general waiver for all appointments on all eligible lists for the same class. A person appointed to a temporary position shall be under general waiver for temporary appointment on all eligible lists for the same class. Such waiver may not be withdrawn unless ordered by the MTA Director of Transportation/Designee.
- 3) For reasons prescribed elsewhere in these Rules.
- 4) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the MTA to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or MTA Director of Transportation/Designee may not be removed unless ordered by the Civil Service Commission or MTA Director of Transportation/Designee.

413.14.2 Waiver of Part-Time Employment

Any part-time position may be declared by the MTA Director of Transportation/Designee to be under conditional waiver and eligibles may then waive certification without penalty for appointment to a full-time position. An eligible who accepts such appointment shall retain eligibility for appointment to a full-time position.

413.14.3 Conditional Waivers

Except as provided by the examination announcement, waiver of certification to positions with unusual employment circumstances or special conditions of employment may be imposed by:

- 1) the eligible to be effective the next business day;
- 2) the Civil Service Commission; or
- 3) the MTA Director of Transportation/Designee.

Conditional waivers on an eligible list imposed by the eligible shall remain in force until withdrawn in accordance with these Rules.

Sec. 413.14 **Waivers (cont.)****413.14.4 Effects of Waivers**

- 1) A general or conditional waiver of certification by an eligible having standing on more than one (1) list in the same class shall apply to any existing list for the same class.
- 2) An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these Rules.
- 3) Unless otherwise provided in the examination announcement, eligibles may refuse two (2) offers of employment resulting from certification off of the eligible list. Refusal of a third (3rd) offer of employment shall result in the removal of the eligible's name from that eligible list and all other lists in that class.

413.14.5 Withdrawal of Waivers

- 1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the MTA.
- 2) Such requests must be received in the Office of the MTA Director of Transportation/Designee before the close of business on the third (3rd) Friday of the month to be effective the first (1st) business day of the following month. In the event the third (3rd) Friday is a legal holiday, such requests must be received by the close of business on the next business day.
- 3) Withdrawal of waivers which have been imposed by the Commission or the MTA Director of Transportation/Designee may be authorized at any time and become effective the first (1st) business day of the following month unless specifically ordered otherwise.
- 4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles whose names have been certified to the appointing officer.
- 5) Immediate withdrawal of waiver may be authorized by the MTA Director of Transportation/Designee, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

Sec. 413.15 **Change of Address**

Eligibles are responsible for notifying the Office of the MTA Director of Transportation/Designee of any change of address.

Rule 413

Certification of Eligibles

Article VI: Selective Certification of Certified Temporary Employees

Applicability: Unless otherwise noted, Article VI, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.14 Selective Certification of Certified Temporary Employees

- 413.14.1** Notwithstanding anything to the contrary in this or any other section of these Rules, an employee who has been appointed from a regularly adopted eligible list to a non-permanent position shall be entitled to appointment to a permanent position within the same class before the certification of persons standing higher on the list of eligibles subject to a period of six (6) months of service in the class or for the period provided for in the examination announcement in any status and certification by the appointing officer(s) of satisfactory job performance for the period of the required service on the form and in the manner prescribed by the MTA Director of Transportation/Designee.
- 413.14.2** The MTA Director of Transportation/Designee is authorized to take such administrative action not in conflict with these Rules as is required to make this section operative including imposition and removal of waivers.